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Attorneys for Defendant APPLE INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

EPIC GAMES, INC.

Plaintiff, Counter-defendant  
v.

APPLE INC.,

Defendant, Counterclaimant

Case No. 4:20-cv-05640-YGR-TSH

**DECLARATION OF MARK A. PERRY IN  
SUPPORT OF APPLE INC.'S STATEMENT  
IN SUPPORT OF ADMINISTRATIVE  
MOTION TO SEAL**

The Honorable Thomas S. Hixson

1 I, Mark A. Perry, hereby declare as follows:

2 1. I am an attorney licensed to practice in the State of California, and a member of the Bar  
3 of this Court. I am a partner at the law firm Weil, Gotshal & Manges LLP, counsel of record for Apple  
4 Inc. (“Apple”) in this case. I am familiar with Apple’s treatment of highly proprietary and confidential  
5 information based on my personal experience representing Apple. I have personal knowledge of the  
6 facts stated below and, if called as a witness, would testify competently thereto. I submit this declaration  
7 in support of Apple’s Statement in Support of Administrative Motion to Seal.<sup>1</sup>

8 2. I am aware that the law of this Circuit allows information to be filed under seal for good  
9 cause or in certain compelling circumstances. I also understand that courts routinely seal filings where  
10 documents include a company’s trade secrets, internal codenames, confidential research and  
11 development, personally identifiable information, or other commercially sensitive information. I  
12 understand that this Court has broad latitude to prevent the public disclosure of these categories of  
13 commercially sensitive information.

14 3. Apple operates in an intensely competitive environment. Apple has serious and  
15 legitimate concerns that competitors will be quick to capitalize on any release of Apple’s highly sensitive  
16 information in order to gain competitive advantage. As such, Apple takes extensive measures to protect  
17 the confidentiality of its information.

18 4. Apple has carefully reviewed Exhibits A, B, C, and D to Epic Games, Inc.’s  
19 Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed Pursuant to  
20 Civil Local Rule 79-5 (“Epic’s Motion”) (Dkt. 1363), and now proposes to partially seal information  
21 therein that, if disclosed, could reveal personally identifiable information, non-public financial  
22 information, and non-public project codenames.

23 5. Exhibits A, B, C, and D contain personally identifiable information in the form of email  
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25  
26 <sup>1</sup> Courts in the Ninth Circuit routinely grant motions to seal based on declarations of counsel. *See*,  
27 *e.g.*, *In re Apple Securities Litigation*, 19-cv-02033-YGR, Dkt. 223 (N.D. Cal.); *In re Qualcomm Litig.*,  
No. 17-cv-00108-GPC, Dkt. 398-1 (S.D. Cal. Mar. 26, 2018); *Avago Techs. U.S. Inc. v. Iptronics Inc.*,  
No. 10-cv-02863-EJD, Dkt. 544 (N.D. Cal. Apr. 3, 2015); *Cisco Sys., Inc. v. OpenTV Inc.*, No. 13-cv-  
00282-EJD, Dkt. 76 (N.D. Cal. Oct. 8, 2013). If the Court deems this declaration insufficient, Apple  
28 respectfully requests that it be permitted to file a further declaration supporting filing under seal.

addresses of Apple employees. Exhibits B and C contain competitively sensitive, non-public information regarding Apple's financial information and internal project codenames, which Apple intends to keep confidential. Public disclosure of Apple's non-public financial information or project codenames would reveal Apple's internal business decision-making and sensitive business data, which could be used by competitors to gain an unfair competitive advantage over Apple and/or affect Apple's market position. Apple has narrowly-tailored its sealing request as to maximize the public's access to court documents without jeopardizing Apple's privacy or business interests. The remainder of the exhibits remain unredacted.

6. Below is a chart detailing the portions of the exhibits sealable for the reasons explained herein, as well as in Apple's statement.

Portion of Document Sought to be Sealed	Document Title	Reason to Seal
Redacted email addresses	Exhibit A	Reflects personally identifiable information
Redacted email addresses on page 1	Exhibit B (CX-223)	Reflects personally identifiable information
Pages 15, 29, 30, 34, 35, 39, 40	Exhibit B (CX-223)	Reflects non-public Apple financial information
Page 7	Exhibit B (CX-223)	Reflects non-public Apple project codenames
Redacted email addresses on page 1	Exhibit C (CX-224)	Reflects personally identifiable information
Pages 15, 16, 30, 31, 33, 34, 38, 39, 41, 42, 57, 58, 61, 64, 65, 66, 67, 69, 70, 72, 73, 74, 76, 77, 78, 79, 80, 83, 84, 86, 87	Exhibit C (CX-224)	Reflects non-public Apple financial information
Pages 7, 54	Exhibit C (CX-224)	Reflects non-public Apple project codenames
Redacted email addresses	Exhibit D	Reflects personally identifiable information

1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and  
2 correct. Executed this 24th day of March 2025, in Washington, D.C.

3  
4 Dated: March 24, 2025

Respectfully submitted,

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6 By: /s/ Mark A. Perry

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